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10 Attorneys for Defendant JAMES ARTHUR RAY

11 SUPERIOR COURT OF STATE OF ARIZONA
12 COUNTY OF YAVAPAI

13 STATE OF ARIZONA,
14 Plaintiff,
15 vs.
16 JAMES ARTHUR RAY,
17 Defendant.
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CASE NO. VCR1300CR201080049

**DECLARATION OF THOMAS K.
KELLY IN SUPPORT OF DEFENDANT
JAMES ARTHUR RAY'S OPPOSITION
TO MOTION TO QUASH SUBPOENAS
DUCES TECUM**

SUPERIOR COURT
COUNTY OF YAVAPAI

2010 APR -8 PM 4:46

JEANNE HIGGS, CLERK

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1 Flagstaff Medical Center.

- 2 • Coroners — Yavapai County Medical Examiner's Office and Coconino
3 County Medical Examiner's Office.

4 See Exhibit A to the Declaration of Truc T .Do filed concurrently herewith. My office served
5 the subpoenas on these third parties on March 18 and March 19, 2010.

6 5. On March 23, 2010, Sedona Fire District and Verde Valley Fire District complied
7 with the subpoenas *duces tecum* and produced responsive documents. In light of the Court's
8 temporary stay of compliance pending a ruling on the State's motion to quash, the defense will
9 file these documents under seal with the Court.

10 6. On March 22, 2010, Verde Valley Medical Center informed my office that it will
11 comply by sending responsive documents to the Court. On March 25, 2010, however, the
12 custodian of record told my office she could not comply because she had received a copy of the
13 motion to quash from the State.

14 7. Cottonwood Fire Department indicated it had no records to produce. Sedona
15 Medical Center indicated they did not have a custodian of records and that requests should be
16 directed to the individual doctors. Flagstaff Medical Center requested additional information to
17 comply with HIPPA. Finally, my office received no response from Coconino County Medical
18 Examiner's Office, Yavapai County Medical Examiner's Office, Guardian Helicopter or Verde
19 Valley Ambulance.

20 8. On March 15, 2010, I received a Second Supplemental Disclosure from the State.
21 Without reviewing the content, my office forwarded the disclosure to Truc T. Do at the law firm
22 of Munger, Tolles & Olson LLP.

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24 I declare, upon information and belief, that foregoing is true and correct and that this Declaration
25 was executed this 8th day of April 2010 at Prescott, Arizona.

26 
27 Thomas K. Kelly
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